

Remarks

Claims 1-20 are pending.

Claims 1-20 are subject to election of species requirement.

Restriction Requirement

The Examiner has required restriction under 35 USC 121 to one of the three species identified as follows:

Species I – drawn to Figure 4;

Species II – drawn to Figure 5; and

Species III – drawn to Figure 6.

Applicants respectfully traverse this election of species requirement.

Claims 1-20 are directed to applicators having an abrasive tip. Under 35 USC §121, the PTO has authority to restrict an application to a single disclosed species where the claims cover two or more "independent and distinct" species. The applicators of present invention, however, fail to meet this requirement; they are *not* "independent" (i.e., they do not lack commonality of design, operation or effect). All of the disclosed species are applicators having an abrasive tip for cleaning teeth.

Furthermore, the Examiner provides no reason as to why the species *should be* considered independent and distinct. Applicants believe that the Examiner has made an arbitrary separation of species based on a plurality of species without explanation. Moreover, a search of the invention should be the same regardless of the specific applicator elected, thus, imposing no serious searching burden on the PTO. Accordingly, Applicants respectfully submit that the Examiner's election of species requirement under 35 USC §121 is improper and respectfully request that the requirement be withdrawn.

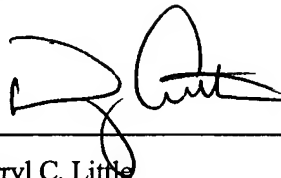
Notwithstanding the aforementioned comments, should the election of species requirement be maintained, Applicants provisionally elect, with traverse, Species I (drawn to Figure 4).

In view of the foregoing remarks, it is respectfully requested that the Examiner withdraw his requirement for an election of species and allow the generic claims to be prosecuted on the merits in the present application. In the event that the Examiner's election of species requirement is made final, Applicants affirm the provisional elections made above. Claims 1-3, 6-14, 16-17, and 19-20 read on the elected species.

Respectfully submitted,

RITA PARIKH ET AL.

By

A handwritten signature in black ink, appearing to read 'D. Little', is written over a horizontal line.

Darryl C. Little  
Attorney for Applicants  
Registration No. 40,703  
(973) 385-4401

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Morris Plains, NJ